IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.6872 OF 2005
IN
CRI.APPEAL NO.852 OF 2005

Shri.Balkrishna Baburao Bhosale ..Applicant
Vs.
State of Maharashtra ..Respondents

...

Mr.Subhodh Desai, Advocate for Applicant
Mr.B.H.Mehta,A.P.P. for the State

...

CORAM: SMT.V.K.TAHILRAMANI,J.
DATE : OCTOBER 28, 2005

P.C.

1. Heard the learned advocate for the applicant and the learned A.P.P. for the State.

2. The applicant is seeking bail. The applicant has been convicted under Sections 498-A and 306 r.w. 34 of IPC. It is submitted on behalf of the applicant that the applicant was on bail during the trial and he has not misused the liberty granted to him. This statement is not controverted on behalf of the prosecution. It is further submitted that the maximum sentence imposed on the applicant is imprisonment for four years. Moreover, the learned advocate for the applicant has further submitted

that in the present case, there are two dying declarations. It is true that in the first dying declaration, the deceased has implicated the applicant, however, in the second dying declaration, she has totally exonerated the applicant and the other accused persons. On perusal of the record, it does appear that in the second dying declaration the deceased has exonerated the applicant.

3. Looking to the above facts, I am inclined to release the applicant on bail.

4. The applicant-Balkrishna Baburao Bhosale to be released on bail in the sum of Rs.25,000/- with one or two sureties to make up that amount. During the pendency of the appeal, the applicant shall report to Satara Police Station once in a month i.e. on last Sunday of every month.

5. Application is disposed of.

[V.K.TAHILRAMANI,J.]